

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 07-127-SLR
)	
SHAWN CUFF)	
)	
Defendant.)	

MOTION TO CONTINUE SUPPRESSION HEARING AND SET STATUS CONFERENCE

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Shawn A. Weede, Assistant United States Attorney for the District of Delaware, and hereby submits the following:

1. On September 13, 2007, the defendant was indicted with three counts of possession with intent to deliver controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) & (b)(1)(C).
2. On October 2, 2007, the defendant was arraigned on the above charges and did not contest the Government's Motion for Detention.
3. On January 22, 2008, after a hearing, the Court granted the defendant's pro se request for new counsel, and indicated that it would appoint a member of the CJA Panel for the defendant. To the government's knowledge, an attorney has not yet been assigned.
4. There is a suppression hearing in this matter currently scheduled for February 1, 2008, at 8:30 a.m.
5. It is likely that whoever the Court appoints as the defendant's attorney will need more than a week to (a) review the discovery materials, (b) evaluate the case, (c) speak with the defendant and make a decision on how best to proceed, and (d) prepare for the suppression hearing.

6. Accordingly, the government requests that the Court cancel the suppression hearing scheduled for February 1, 2008, and set up a telephone conference between the parties in approximately two weeks to discuss how the defense wishes to proceed, and if necessary, schedule a new suppression hearing date.

7. The government further requests that the Court exclude the time from the date of this motion until the date it sets for the telephone conference, under the Speedy Trial Act (18 U.S.C. § 3161 *et seq.*). The government submits that the time is excludable because the ends of justice served by the delay outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h).

WHEREFORE, the government respectfully requests that the Court grant its Motion to Continue Suppression Hearing and Set Status Conference. A proposed Order is attached.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/ Shawn A. Weede
Shawn A. Weede
Assistant United States Attorney

Dated: January 24, 2008

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ORDER

Having considered the government's Motion to Continue Suppression Hearing and Set Status Conference, **IT IS HEREBY ORDERED** that the Suppression Hearing scheduled for February 1, 2008, is canceled.

IT IS FURTHER ORDERED that a telephone status conference is set for the _____ of _____, 2008, with the Court initiating said call.

IT IS FURTHER ORDERED that the period from January 24, 2008, to the date of the above telephone status conference is excluded under the Speedy Trial Act, because the ends of justice served by the delay outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h).

The Honorable Sue L. Robinson
United States District Judge

Dated: